

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

FRANCISCO E. BAGU,

Plaintiff,

v.

Case No.: 5:21-cv-00572

LT. K. CRAWFORD, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

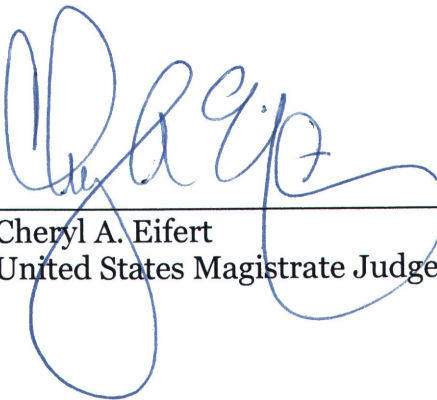
Pending before the Court is the Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment. (ECF No. 39). The Court notes that Attachment F submitted with the motion contains records of Plaintiff's medical care prepared while he has been incarcerated in federal correctional facilities. Due to the confidential nature of the personal health information contained in Attachment F, the Court **ORDERS** the Clerk to seal Attachment F to Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment. (ECF No. 39-1 at 29 through 194).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Attachment F to the Defendants'

Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Pertinent parts of Attachment F used to resolve the pending motion shall be discussed in the Court's ruling. Accordingly, the Court finds that sealing Attachment F to the Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file Attachment F to the Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, (ECF No. 39-1 at 29 through 194), under seal.

The Clerk is instructed to provide a copy of this Order to the Plaintiff and counsel of record.

ENTERED: June 16, 2022



Cheryl A. Eifert
United States Magistrate Judge